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BOOK REVIEWS AND NOTICES.

The leading articles in the American Historical Review for October are: *The Ballot and Other Forms of Voting in the Italian Communes*, by Arthur M. Wolfson; *Maryland's Adoption of the Federal Constitution, I*, by Bernard C. Steiner; *Contemporary Opinion of the Virginia and Kentucky Resolutions, I*, by Frank M. Anderson; and *The Unit Rule in National Nominating Conventions*, by Carl Becker. The documents published in the number are: *Accounts of Star Chamber Dinners, 1594*; and Letters of Bancroft and Buchanan on the Clayton-Bulwer Treaty, 1849, 1850. Many students will be thankful especially for Mr. Steiner's article, which adds materially to what has been generally available in connection with the subject thereof.

The Laws of Texas. Compiled and arranged by H. P. N. Gammel, of Austin. With an introduction by C. W. Raines. Austin: The Gammel Book Company. Vol. VII, pp. 1532.

Volume 7 of Gammel's Reprint of the Laws of Texas contains the general and special laws of the adjourned sessions of the legislature in 1871, the constitution of 1869 (or 1870), and the general and special laws of 1873.

The twelfth legislature concluded its third session on December 2, 1871. During the two years of its existence it had been in session three hundred and thirty-six days. Nineteen hundred pages of legislation attest its industry or its indifference. Probably the character rather than the volume of its labor should furnish the measure of its merits, and by such a standard there is no difficulty in concurring in the adverse judgment then reached by an impatient public. The frequent, lengthy and expensive sessions of this body are doubtless responsible for the existing constitutional provisions which limit the session of the legislature and the emoluments of its members.

The last of the sessions of the twelfth legislature was like unto its predecessors. It was characterized by an excessive liberality in the disbursement of public funds. Its generosity to promoters of

internal improvement enterprises warranted the suggestion that the great corporations which were legislated into being recognized in a practical way the principles of reciprocity. The veto power of Governor Davis was wielded as at the former session. Many a raid upon the treasury he checked, many a mortgage upon posterity he prevented. At the conclusion of his political career he was execrated by a majority of the people of his State. His name was coupled with that which was odious in politics. But history will have to recognize him as one of the greatest benefactors of the State. At a time when moral ties were loose, when crimes were unpunished, when corruption did not affect one's political standing, when it was not accounted evil to steal from a people who had been overcome, he stood between Texas and her despoilers. Against the pressure of partisanship, against the power of money, against the insidious forces of flattery and ambition, he stood for the protection of a people by whom he was hated. That he directly saved the people many millions of dollars is easily demonstrable; it is doubtless the case that to him is due the fact that Texas has not been compelled to face, as other Southern States, the issue of repudiation.

The "reconstruction" constitution which next appears in this volume declares against the "heresies of nullification and secession," recognizes suffrage without reference to "race, color or previous condition," provides for compulsory education, recasts the judicial system, inhibits land grants except to actual settlers, provides for a bureau of immigration, fixes the status of legislation during the war, and of debts contracted during that period.

The session, in 1873, of the thirteenth legislature passed a number of important measures, few, however, of present public interest. An act repealing the law establishing the obnoxious State police was passed over the Governor's veto. An act recasting the school laws was likewise passed over his veto—an amply justified veto. The administration of this law was doubtless the cause for the action of the constitutional convention of 1875, in destroying the office of Superintendent of Public Instruction.

The time of the session was largely spent in special legislation, eight hundred and thirty-two pages of these acts having passed into law, notwithstanding the vigorous exercise by the Governor of the veto power. Nearly two hundred charters were granted, among them thirty or forty railroad charters. Each of these railroad char-

ters, so far as I have examined, provided for a land grant. The constitution had been changed to authorize such grants. The policy suspended for a while and thus entered into again was continued until, within less than a decade, the public domain was absorbed. But a great school fund had been provided and some thousands of miles of railroad had been added to the wealth-producing agencies of the State.

R. L. BATTS.

Batts' Annotated Revised Civil Statutes of Texas. By R. L. Batts, Professor of Law, University of Texas. Vol. II. Austin, Texas: Eugene Von Boeckmann Publishing Company.

The younger generation of lawyers have heard from Nestors of the bar of the times when a district judge would convene his court in the shade of an oak tree, the sheriff tie his prisoner to a sapling, and the best equipped practitioner pull copies of Blackstone, the constitution and the acts of the legislature from one side of a pair of saddle bags balanced on the other with a black bottle and plug of tobacco; those were days when there was little written law and few reported cases in Texas, when a man's hat covered his library, and men like Hemphill, Moore and Roberts decided cases on broad general principles, establishing instead of following precedents. Those times encouraged, and in fact demanded, original thought and produced great lawyers and judges, and it could well be said of many a one that he carried the law of the land in his head.

Whatever may be said of the advantages or disadvantages of the new order as compared with the old, there can be no question as to the temerity of the modern Texas lawyer who ventures into an intricate damage suit relying solely on the general proposition that a man "must so use his own as not to injure the rights of others," or embarks on the shoreless sea of equity with "a man must come into court with clean hands" as his only chart.

On the presentation of a given state of facts for his consideration a lawyer's mind naturally turns to some general proposition of law which seems decisive of the controversy, but before he can advise or act in the premises he must see if the general rule has been varied by statute law and to what extent it has been limited or explained by the decisions of our numerous appellate courts; the man who enables the lawyer to do this with the greatest ease and accuracy is a benefactor to the profession.